

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

H-E-B, LP,

Plaintiff,

v.

WADLEY HOLDINGS, LLC,

Defendant.

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6-20-CV-00081-ADA

CLAIM CONSTRUCTION ORDER

The Court provided its preliminary constructions on November 18, 2020. The Court held a claim construction hearing on November 20, 2020, during which the Court heard argument on the claim terms: “insulated . . .” and “proximate . . .” ECF No. 69.

After careful consideration of the parties’ briefs, oral argument, and the applicable law, the Court enters its final constructions for each term as shown below.

Claim Term	Court
Closed position '165 Patent, claims 1, 12 '734 Patent, claims 1, 12, 18 '887 Patent, claims 1, 16 '888 Patent, claims 1, 13	Plain and ordinary meaning
the lid and each wall that defines the enclosure are insulated each of the plurality of walls and the lid that define the vacuum space enclosure are insulated '165 Patent, claim 1 '734 Patent, claim 1 each of the plurality of walls and the lid that define the vacuum space enclosure are insulated '165 Patent, claim 10 '734 Patent, claims 12, 18	Plain and ordinary meaning
the lid and each wall that surrounds the enclosure are insulated '887 Patent, claim 1	

<p>the at least some of the plurality of the walls and the lid that form the vacuum space enclosure are insulated '887 Patent, claim 16</p> <p>the lid and the enclosure/container are insulated '888 Patent, claims 1, 13</p>	
<p>the enclosure is capable of maintaining a sufficient temperature gradient between an inside of the enclosure and an outside of the enclosure such that at least a partial vacuum forms within the enclosure due to said temperature gradient '165 Patent, claims 1, 10</p>	Plain and ordinary meaning
<p>the enclosure is capable of maintaining a sufficient temperature gradient between an inside of the enclosure and an outside of the enclosure such that a suction seal forms at the relatively airtight seal between the lid and the one or more walls of the cooler when the lid is in the closed position due to said temperature gradient '734 Patent, claim 1</p>	
<p>the enclosure is capable of maintaining a sufficient temperature gradient between an inside of the enclosure and an outside of the enclosure such that a suction seal forms between the lid and the plurality of walls when the lid is in the closed position due to said temperature gradient '734 Patent, claims 12, 18</p>	
<p>the enclosure is capable of maintaining a temperature differential between an inside of the enclosure and an outside of the enclosure and that a pressure differential forms the seal between the lid and the plurality of walls of the cooler when the lid is in the closed position due to said pressure differential '887 Patent, claim 1</p>	
<p>the vacuum space enclosure is capable of maintaining a temperature differential or a pressure differential between an inside of the enclosure and an outside of the enclosure such that a suction seal forms between the lid and the at least some of the plurality of walls when the lid is in the closed position at least in part due to said temperature differential or said pressure differential</p>	

'887 Patent, claim 16	
<p>the lid forming a seal with a top section of the [enclosure/container] surrounding the product storage area of the cooler when the lid is in a closed position due to a pressure differential between an interior of the cooler and an exterior of the cooler, ... wherein the [enclosure/cooler] is capable of maintaining a temperature differential between the interior of the [enclosure/cooler] and the exterior of the [enclosure/cooler]</p>	
'888 Patent, claims 1, 13	
<p>the [wall(s) and/or lid] comprise(s) a radiation reflecting material</p>	Plain and ordinary meaning
<p>'165 Patent, claims 8, 9, 13 '734 Patent, claim 8 '887 Patent, claim 8 '888 Patent, claim 7</p>	
<p>vacuum space enclosure</p>	Plain and ordinary meaning
<p>'165 Patent, claims 10 '734 Patent, claims 12, 18 '887 Patent, claim 16</p>	
<p>the at least one gripping handle is located on the lid in a location that is proximate to the vacuum release assembly when the lid is in the closed position</p> <p>'734 Patent, claim 10 '887 Patent, claim 10</p>	Plain and ordinary meaning
<p>the at least one gripping handle is located on the lid in a location that is proximate to a portion of the vacuum release assembly when the lid is in the closed position</p>	
<p>'734 Patent, claim 18</p>	
<p>the at least one gripping handle is located on the lid in a location that is proximate to the pressure release assembly when the lid is in the closed position</p>	
'888 Patent, claim 9	

<p>when one or more products are contained within the enclosure of the cooler, the total heat transfer from the exterior environment to that of the products contained within the enclosure is limited, and the products may have their temperatures reduced using a smaller amount of cooling substance while in the enclosure due to the limited heat transfer from the exterior environment to said products</p> <p>'734 Patent, claim 11</p> <p>when one or more products are contained within the enclosure of the cooler, the total heat transfer from an exterior environment to that of the one or more products contained within the enclosure is limited, thereby a smaller amount of cooling substance is needed to cool the one or more products while in the enclosure due to the limited heat transfer from the exterior environment to said products</p> <p>'887 Patent, claim 11</p>	Plain and ordinary meaning
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IT IS SO ORDERED.

SIGNED this 2nd day of June, 2021.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE